

ORDINANCE 2006 – 039

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING ORDINANCE 2005-63 TO EXPAND CONTRACT THE BOUNDARIES OF THE VISTA COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, at its meeting of December 20, 2005, and after a public hearing conducted by the Board of County Commissioners of Palm Beach County, Florida (the "Board"), and in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, the Board approved Ordinance 2005-63 establishing the Vista Community Development District ("District"); and

WHEREAS, the District filed a petition to Expand and Contract the Boundaries of the Vista Community Development ("Petition") with Palm Beach County (the "County") to amend the boundaries of the District in accordance with the requirements and procedures of Section 190.046(1)(b), Florida Statutes; and

WHEREAS, all statements contained within the Petition have been found to be true and correct; and

WHEREAS, the real property to be removed from the boundaries of the District does not exceed 15% of the acreage initially located within the boundaries of the District; and

WHEREAS, following the proposed expansion and contraction of the District's boundaries, the property within the District will not be inconsistent with any applicable element or portion of the State Comprehensive Plan or the County Comprehensive Plan; and

WHEREAS, the property comprising the District will remain of sufficient size, compactness and contiguity, to be developable as one functional interrelated community; and

WHEREAS, with the expansion and contraction, the District will continue to present the best alternative available for delivery of the community development facilities and services to the property that will be served by the District; and

WHEREAS, the community development facilities and services of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the property comprising the District will continue to be amendable to separate special-purpose government; and

WHEREAS, the Board has considered the record of the public hearing and it has decided that amending Ordinance 2005-063 to provide for the expansion and contraction of the District boundaries is the best alternative means to provide certain basic services to the community; and

1 **NOW, THEREFORE, be it ordained by the Board of County**
2 **Commissioners of Palm Beach County, Florida, that:**

3 **Section 1.** The District's Petition to Expand and Contract Boundaries of
4 the Vista Community Development District, attached hereto as Exhibit "A", is hereby
5 granted, thereby amending Ordinance 2005-063 to revise the legal description of the
6 Vista Community Development District boundaries.

7 **Section 2.** The external boundaries of the District shall be expanded by
8 adding approximately 1.5 acres as depicted on the location map attached hereto and
9 incorporated herein as Exhibit "D" of Exhibit A.

10 **Section 3.** The external boundaries of the District shall be contracted by
11 removing approximately 1.6 acres of property as depicted on the location map
12 attached hereto and incorporated herein as Exhibit "E" of Exhibit A.

13 **Section 4.** The external boundaries of the District shall be expanded and
14 contracted to the extent that the new District boundaries shall be as legally described
15 in Exhibit "A-1" of Exhibit A attached hereto and incorporated herein.

16 **Section 5. PROVIDING FOR SEVERABILITY:**

17 If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for
18 any reason held by any court of competent jurisdiction to be unconstitutional,
19 inoperative or void, such holding shall not affect the remainder of this Ordinance.

20 **Section 6. REPEAL OF LAWS IN CONFLICT:**

21 All local laws and ordinances applying to Palm Beach County in conflict with any
22 provision of this Ordinance are hereby repealed to the extent of the conflict.

23 **Section 7. PROVIDING FOR AN EFFECTIVE DATE:**

24 This ordinance shall take effect upon filing with the Department of State.

25 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach
26 County, Florida, on this 12th day of ~~August~~^{September} 2006.

27 ATTEST, **Sharon R. Bock, Clerk & Comptroller** PALM BEACH COUNTY, FLORIDA, BY ITS BOARD
28 **Palm Beach County** OF COUNTY COMMISSIONERS
29 By: _____ **John (Jeff) Roca**

30 Deputy Clerk for **Tony Masilotti, Chairman**

31 APPROVED AS TO FORM AND

32 LEGAL SUFFICIENCY

33 By: _____
34 County Attorney

35 EFFECTIVE DATE: Filed with the Department of State, State of Florida, on the
36 19th day of September, 2006.

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**Petition to Expand and Contract the Boundaries
of the**

**Vista
Community Development District**

June 12, 2006

BOARD OF COUNTY COMMISSIONERS

PALM BEACH COUNTY, FLORIDA

**IN RE: PETITION PURSUANT TO
SECTION 190.046(1), FLORIDA STATUTES,
TO EXPAND AND CONTRACT THE BOUNDARIES OF
VISTA COMMUNITY DEVELOPMENT DISTRICT**

**PETITION TO EXPAND AND CONTRACT BOUNDARIES OF
VISTA COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors (the "Board") of the Vista Community Development District, an independent special district established pursuant to Chapter 190, Florida Statutes (the "District") by Ordinance No. 2005-063 of Palm Beach County, Florida (the "County") adopted on December 20, 2005 (the "Ordinance") hereby petitions the **BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA** (the "Commission") in accordance with Section 190.046(1) of the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes (the "Act"), to expand and contract the boundaries of the District and in support thereof, hereby attests as follows:

1. That approximately 46+/- acres are currently within the external boundaries of the District.
2. That the Board desires to expand the boundaries of the District by adding approximately 1.5 acres as legally described on Exhibit A-1. Following such expansion of the

District's boundaries, all lands in the District will continue to be located wholly within the jurisdictional boundaries of the Palm Beach County unincorporated area.

3. That the Board also desires to contract the boundaries of the District by removing approximately 1.6 acres as legally described on Exhibit A-2. The District is currently providing no services or facilities to the area being removed.

4. That the real property to be included within the external boundaries of the District does not exceed 50% of the acres initially located within the boundaries of the District and all petitions of the District, including this petition, submitted to the Commission subsequent to the initial petition seeking establishment of the District do not encompass more than a total of 500 acres.

5. That annexed hereto as Exhibit A-3 and made a part hereof is a legal description of the external boundaries of the District following the proposed expansion of such boundaries. No real property within the external boundaries of the District as proposed is to be excluded therefrom.

6. That annexed hereto as Exhibit B is the proposed timetable for construction of any District services to the area to be newly included in the District and the estimated cost of constructing the proposed services.

7. That annexed hereto as Exhibit C and made a part hereof is evidence of the written consent to the inclusion of its property in the District by the owner (directly or as attorney in fact) of one hundred percent (100%) of the real property to be newly included within the District.

8. That annexed hereto as Exhibit D and made a part hereof is a designation of the future general distribution, location, and extent of public and private uses of land proposed for

the area to be included in the District by the future land use plan element of the effective local government comprehensive plan.

9. That annexed hereto as Exhibit E and made a part hereof is a designation of the future general distribution, location, and extent of public and private uses of land proposed for the area to be removed from the District by the future land use plan element of the effective local government comprehensive plan.

10. That annexed hereto as Exhibit F and made a part hereof is a statement of estimated regulatory costs in accordance with the requirements of Section 120.541, Florida Statutes.

11. That following the proposed expansion and contraction of the District's boundaries, (i) the property within the District will not be inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan; (ii) the property comprising the District will be of sufficient size, compactness, and contiguity to be developable as one functional interrelated community; (iii) the District will continue to present the best alternative available for delivering the community development facilities and services to the property that will be served by the District; (iv) the community development facilities and services of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and (v) the property comprising the District will be amenable to separate special-purpose government.

12. That all statements contained within this Petition are true and correct.

WHEREFORE, Petitioner, the Board of Supervisors of the Vista Community Development District, hereby respectfully requests the Commission to:

A. Direct its staff to notice, as soon as practicable, a local public non-emergency hearing pursuant to the requirements of Section 190.046(1)(b) of the Act to consider whether to grant the petition for the expansion and contraction of the District's boundaries and to amend the Ordinance establishing the District to reflect the new boundaries of the District.

B. Grant the petition and enact an ordinance pursuant to applicable law amending the Ordinance establishing the District to reflect the new boundaries of the District.

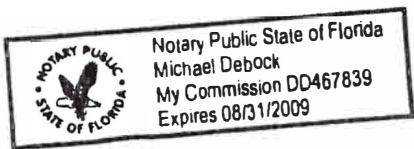
RESPECTFULLY SUBMITTED this 17 day of MAY, 2006.

VISTA COMMUNITY DEVELOPMENT DISTRICT

By: *David P. Webb*
Name: David P. Webb
Title: Chair

STATE OF FLORIDA)
COUNTY OF FAIRBANKS)

The foregoing instrument was acknowledged before me this 17 day of MAY, 2006, by D Webb, the Chair of the BOARD OF SUPERVISORS OF VISTA COMMUNITY DEVELOPMENT DISTRICT, who is personally known to me [] or produced _____ as identification.



Michael Debock
Notary Public
M. Debock
Typed, printed or stamped name of Notary Public

EXHIBIT A-1

LEGAL DESCRIPTION OF AREA TO BE ADDED TO DISTRICT

{00003917.DOC v.1 5/17/2006 09:27 AM}

AREA TO BE ADDED TO DISTRICT

NAME: EXHIBIT A-1

LEGAL DESCRIPTION

LAKE 11, AS RECORDED IN THE PLAT OF VISTA CENTER OF PALM BEACH PLAT 3, PLAT BOOK 68, PAGES 128 THROUGH 134 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 6 AS SHOWN ON SAID VISTA CENTER OF PALM BEACH PLAT NO. 3; THENCE SOUTH $71^{\circ}28'30''$ WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL 6, A DISTANCE OF 115.67 FEET; THENCE NORTH $18^{\circ}31'30''$ WEST, A DISTANCE OF 389.04 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE SOUTH $24^{\circ}16'07''$ WEST, A DISTANCE OF 79.97 FEET; THENCE SOUTH $52^{\circ}33'41''$ WEST, A DISTANCE OF 80.60 FEET; THENCE NORTH $84^{\circ}22'10''$ WEST, A DISTANCE OF 71.34 FEET; THENCE NORTH $64^{\circ}28'36''$ WEST, A DISTANCE OF 123.00 FEET; THENCE NORTH $89^{\circ}48'41''$ WEST, A DISTANCE OF 304.00 FEET; THENCE NORTH $35^{\circ}54'35''$ WEST, A DISTANCE OF 35.81 FEET; THENCE NORTH $47^{\circ}47'34''$ EAST, A DISTANCE OF 58.05 FEET; THENCE SOUTH $79^{\circ}44'35''$ EAST, A DISTANCE OF 106.71 FEET; THENCE NORTH $90^{\circ}00'00''$ EAST, A DISTANCE OF 93.00 FEET; THENCE NORTH $68^{\circ}05'06''$ EAST, A DISTANCE OF 93.78 FEET; THENCE NORTH $44^{\circ}13'33''$ EAST, A DISTANCE OF 104.66 FEET; THENCE NORTH $75^{\circ}05'01''$ EAST, A DISTANCE OF 118.02 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIAL BEARING THROUGH SAID POINT OF NORTH $83^{\circ}35'37''$ EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF $56^{\circ}30'00''$ AND A RADIUS OF 165.00 FEET, A DISTANCE OF 162.71 FEET TO THE POINT OF BEGINNING AFORE DESCRIBED.

CONTAINING 1.489 ACRES, MORE OR LESS.

EXHIBIT A-2

LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM DISTRICT

{00003917.DOC v.1 5/17/2006 09:27 AM}{00003917.DOC v.1 3/6/2006 11:36 AM}

AREA TO BE REMOVED FROM DISTRICT

NAME: EXHIBIT A-2

LEGAL DESCRIPTION

TRACT "W" AS SHOWN ON THE PLAT OF EMERALD DUNES – PARCEL 6, PLAT BOOK 107, PAGES 68 AND 69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "D" AS SHOWN ON SAID PLAT OF EMERALD DUNES – PARCEL 6; THENCE SOUTH 71°28'30" WEST ALONG THE SOUTHERLY LINE OF TRACT "A", AS SHOWN ON SAID PLAT OF EMERALD DUNES – PARCEL 6, A DISTANCE OF 475.14 FEET; THENCE NORTH 67°10'05" WEST ALONG SAID SOUTHERLY LINE OF TRACT "A", A DISTANCE OF 274.23 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE NORTH 67°10'05" WEST, A DISTANCE OF 412.64 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 153°51'36" AND A RADIUS OF 31.00 FEET, A DISTANCE OF 83.25 FEET TO A POINT OF TANGENCY; THENCE NORTH 86°41'31" EAST, A DISTANCE OF 207.54 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 90°00'00" AND A RADIUS OF 42.00 FEET, A DISTANCE OF 65.97 FEET TO A POINT OF TANGENCY; THENCE NORTH 03°18'29" WEST, A DISTANCE OF 61.03 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 90°00'00" AND A RADIUS OF 18.00 FEET, A DISTANCE OF 28.27 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 00°30'30" AND A RADIUS OF 325.00 FEET, A DISTANCE OF 2.88 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 14°43'30" AND A RADIUS OF 10.00 FEET, A DISTANCE OF 2.57 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 40°03'46" AND A RADIUS OF 25.00 FEET, A DISTANCE OF 17.48 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 41°00'19" AND A RADIUS OF 52.00 FEET, A DISTANCE OF 37.22 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTH-EASTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 62°10'55" AND A RADIUS OF 23.00 FEET, A DISTANCE OF 24.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 16°50'08" EAST, A DISTANCE OF 286.58 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A CENTRAL ANGLE OF 129°40'03" AND A RADIUS OF 31.00 FEET, A DISTANCE OF 70.16 FEET TO A POINT OF TANGENCY AND THE POINT OF BEGINNING AFORE DESCRIBED.

CONTAINING 1.64 ACRES, MORE OR LESS.

EXHIBIT A-3

LEGAL DESCRIPTION OF NEW DISTRICT BOUNDARIES

{00003917.DOC v.1 5/17/2006 09:27 AM}{00003917.DOC v.1 3/6/2006 11:36 AM}

EXHIBIT "A-3"

LEGAL DESCRIPTION

PARCEL 4 OF VISTA CENTER OF PALM BEACH PLAT 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 61, PAGES 118 TO 121 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 9.857 ACRES, MORE OR LESS.

BEING ALL OF PARCEL 5 OF VISTA CENTER OF PALM BEACH PLAT 3 AS RECORDED IN PLAT BOOK 68, PAGES 128-134 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 15.306 ACRES, MORE OR LESS.

BEING ALL OF EMERALD DUNES – PARCEL 6 AS RECORDED IN PLAT BOOK 107, PAGES 68-69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 22.10 ACRES, MORE OR LESS.

LESS AND EXCEPT TRACT "W" AS SHOWN ON THE PLAT OF EMERALD DUNES – PARCEL 6 AS RECORDED IN PLAT BOOK 107 PAGES 68-69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1.64 ACRES, MORE OR LESS.

EXHIBIT B

CONSTRUCTION TIMETABLE AND COST ESTIMATE
FOR AREA TO BE INCLUDED WITHIN DISTRICT BOUNDARIES

<u>IMPROVEMENTS</u>	<u>COST</u> <u>ESTIMATES</u>	<u>START</u> <u>CONSTRUCTION</u>	<u>COMPLETE</u> <u>CONSTRUCTION</u>
Potable Water Supply System	\$ 805,268	Mar-05	May-06
Wastewater System	\$ 515,114	Mar-05	May-06
Storm Water Management System	\$ 3,469,985	Mar-05	May-06
FPL Differential	\$ 219,120	May-05	May-06
Mitigation	\$ 138,600	Nov-04	May-06

EXHIBIT C

EVIDENCE OF WRITTEN CONSENT OF OWNER TO INCLUSION OF PROPERTY WITHIN THE EXTERNAL BOUNDARIES OF VISTA COMMUNITY DEVELOPMENT DISTRICT

On this 17 day of May, 2006, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, DAVID WEBBER, who, after being duly sworn, deposes and says:

1. Affiant, David Webber, an individual is a Vice President of Westbrooke Companies, Inc., a Delaware corporation (the "Company").

2. The Company is the general partner of Standard Pacific of South Florida, formerly known as Westbrooke Homes, a Florida general partnership (herein, the "General Partnership").

3. The General Partnership is the owner of the following described property, to wit:

See Exhibit "A" attached hereto (the "Property").

4. Affiant, David Webber, hereby represents that he has full authority to execute all documents and instruments on behalf of the General Partnership, including the Petition Pursuant to Section 190.046(1), Florida Statutes, To Expand and Contract the Boundaries of the Vista Community Development District before the Board of County Commissioners of Palm Beach County, Florida.


5. The Property consists of approximately 45.6 acres of real property located in unincorporated Palm Beach County, Florida.

6. Affiant, David Webber, on behalf of the General Partnership, as the fee simple Owner of the Property in the capacity described above, hereby gives its full consent to the expansion of the external boundaries of the Vista Community Development District to include the Property therein.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of May, 2006.

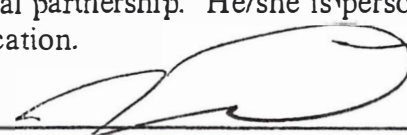
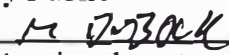
STANDARD PACIFIC OF SOUTH FLORIDA,
f/k/a Westbrooke Homes, a Florida general
partnership

By: Westbrooke Companies, Inc., a Delaware
corporation, as general partner of
Standard Pacific of South Florida

By: 
Name: David Webber
Title: Vice President, Westbrooke Companies, Inc.

STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 17 day of May, 2006, by David Webber, as Vice President of Westbrooke Companies, Inc., a Delaware corporation, the general partner of Standard Pacific of South Florida, f/k/a Westbrooke Homes, a Florida general partnership, on behalf of the general partnership. He/she is personally known to me [] or produced _____ as identification.


Notary Public

Typed, printed or stamped name of Notary Public

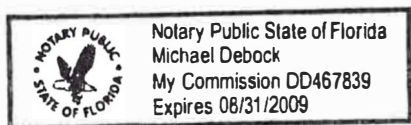


EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 4 OF VISTA CENTER OF PALM BEACH PLAT 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 61, PAGES 118 TO 121 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 9.857 ACRES, MORE OR LESS.

BEING ALL OF PARCEL 5 OF VISTA CENTER OF PALM BEACH PLAT 3 AS RECORDED IN PLAT BOOK 68, PAGES 128-134 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 15.306 ACRES, MORE OR LESS.

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CONTAINING 22.10 ACRES, MORE OR LESS.

LESS AND EXCEPT TRACT "W" AS SHOWN ON THE PLAT OF EMERALD DUNES – PARCEL 6 AS RECORDED IN PLAT BOOK 107 PAGES 68-69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

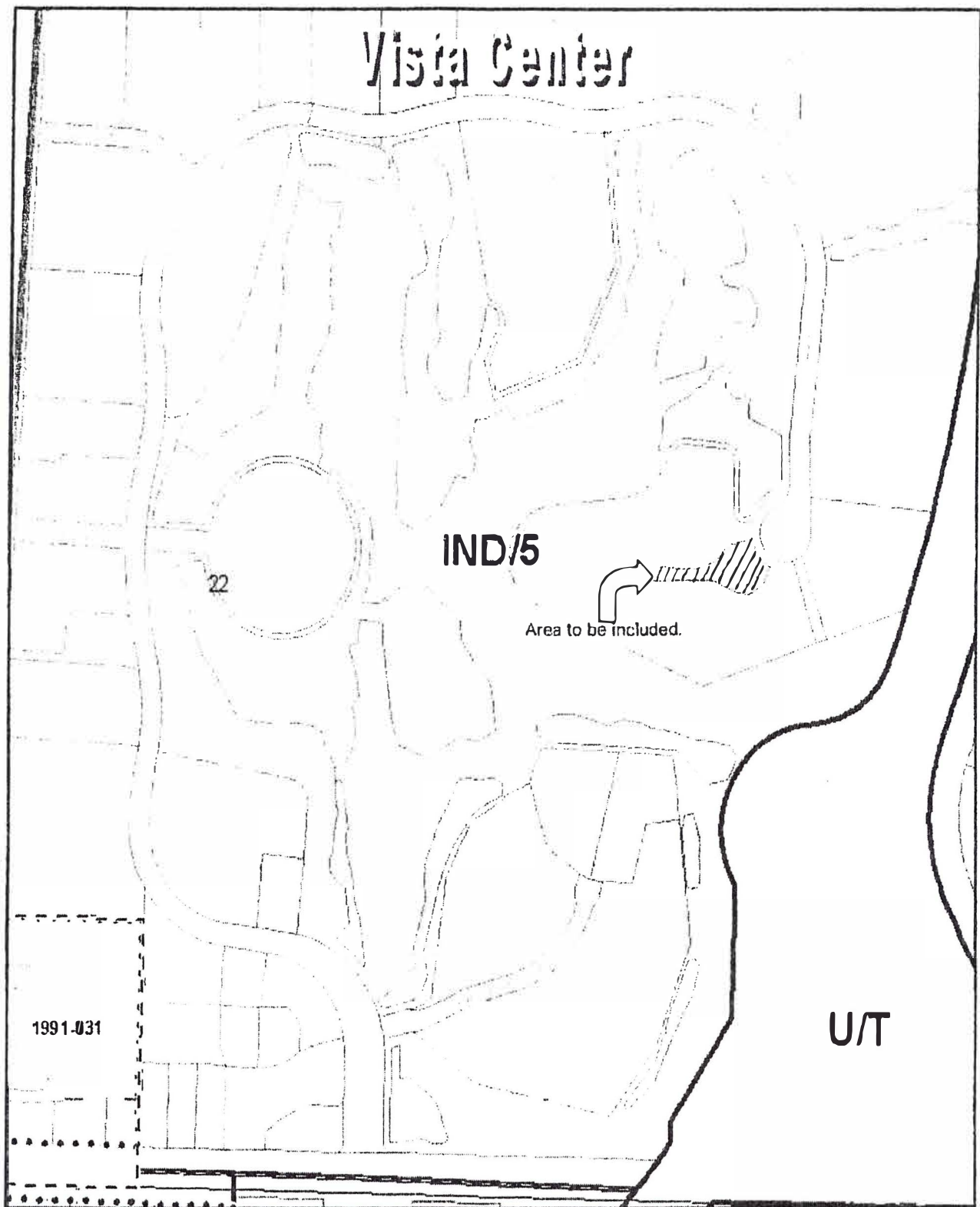
CONTAINING 1.64 ACRES, MORE OR LESS.

EXHIBIT D

**DESIGNATION OF THE FUTURE GENERAL DISTRIBUTION, LOCATION AND
EXTENT OF PUBLIC AND PRIVATE USES OF LAND PROPOSED FOR
THE AREA TO BE INCLUDED WITHIN THE DISTRICT**

{00003917.DOC v.1 5/17/2006 09:27 AM}FTL:1340008:2

EXHIBIT 'D'

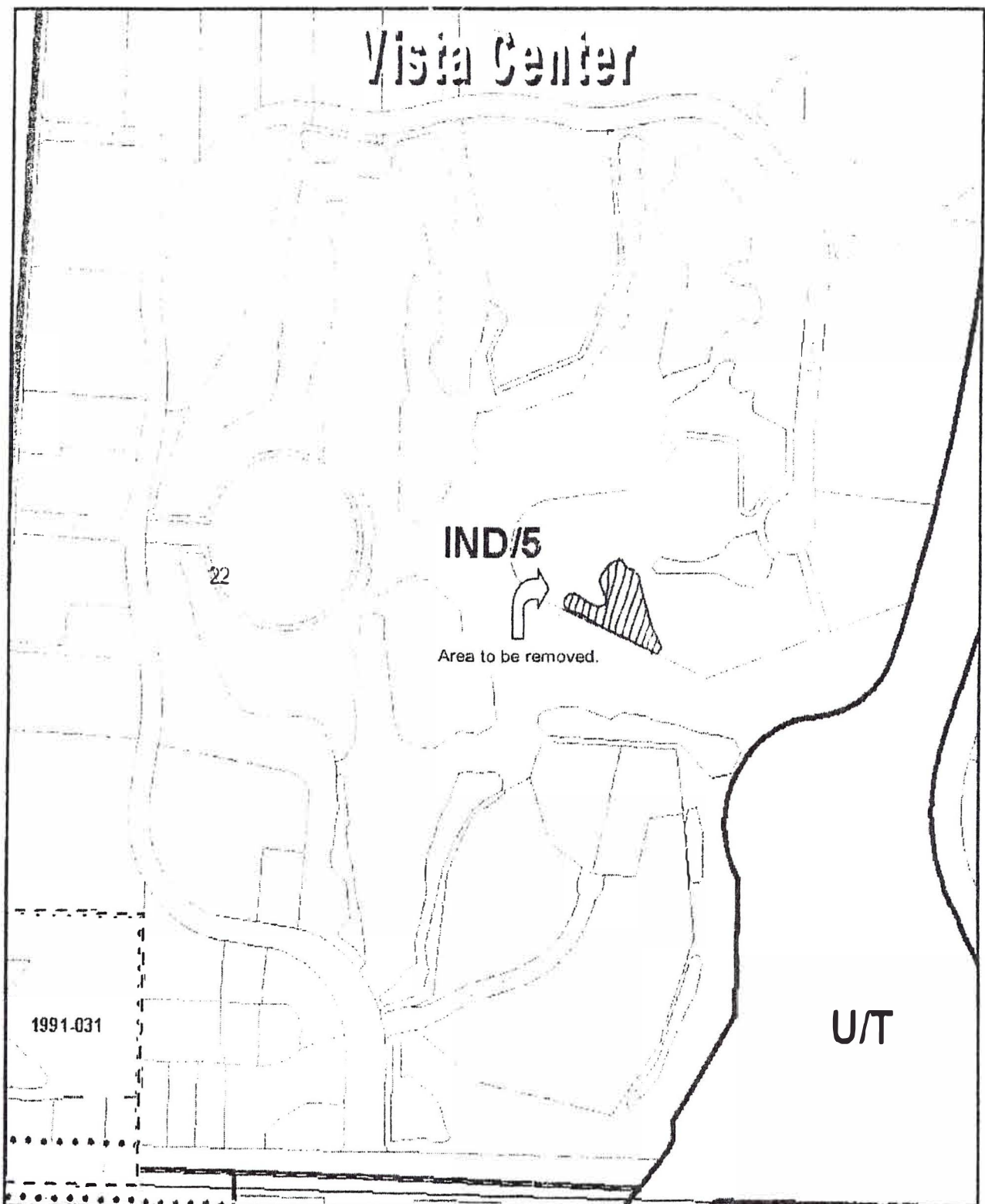


A portion taken from the "Future Land Use Atlas of Palm Beach County, Florida."
(Atlas Page 57) Last Printed On: March 1, 2006 for the area to be included in the District.

EXHIBIT E

**DESIGNATION OF THE FUTURE GENERAL DISTRIBUTION, LOCATION AND
EXTENT OF PUBLIC AND PRIVATE USES OF LAND PROPOSED FOR
THE AREA TO BE REMOVED FROM THE DISTRICT**

EXHIBIT 'E'



A portion taken from the "Future Land Use Atlas of Palm Beach County, Florida."
(Atlas Page 57) Last Printed On: March 1, 2006 for the area to be removed from the District.

EXHIBIT F

STATEMENT OF ESTIMATED REGULATORY COSTS

{00003917.DOC v.1 5/17/2006 09:27 AM}

E-1

VISTA

COMMUNITY DEVELOPMENT DISTRICT

STATEMENT OF ESTIMATED REGULATORY COSTS

June 12, 2006

Prepared by

Special District Services, Inc.
11000 Prosperity Farms Road, Suite 104
Palm Beach Gardens, Florida 33410

(561) 630-4922 Phone
(561) 630-4923 Fax

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to expand and contract the boundaries of the Vista Community Development District ("District"). The District currently comprises approximately 46+/- acres of land (Parcels 4, 5 & 6 of the Vista Center) located in the unincorporated area of Palm Beach County, Florida. Once expanded and contracted, the acreage of the District will be the same as before the expansion and contraction.

1.2 Overview of Vista Community Development District

The District is designed to provide district infrastructure, services, and facilities along with their operations and maintenance to Parcels 4, 5 & 6 within the Vista Center which is planned for a total of 498 residential condominium units within the boundaries of the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (1997), defines the elements a statement of estimated regulatory costs must contain:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the ordinance. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. Palm Beach County is not defined as a small County for purposes of this requirement.

(e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

“Note: the references to “rule” in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an “ordinance” under section 190.005(2) (a), Florida Statutes”. For the purposes of this report, the term “agency” means Palm Beach County.

2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

The Vista Community Development District serves land that comprises approximately 46 +/- acres of residential development to be made up of an estimated 498 residential condominium units. The estimated population of the District is 1250 +/- . It is anticipated that the majority of the property owners in the District will be individuals and families.

3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

There is no state agency promulgating any rule relating to this project that is anticipated to effect state or local revenues.

3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the results of adopting the ordinance is the expansion and contracting of a local special purpose government, there will be no enforcing responsibilities of any other government entity.

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District. The District as established, and with the proposed expansion and contraction, will encompass under 1,000 acres, therefore, Palm Beach County is the establishing entity under 190.005(2), F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Community Affairs which

offsets such costs.

Palm Beach County

There will be only modest costs to the County for a number of reasons. First, review of the petition to expand and contract the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, the County already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the County routinely process similar petitions though for entirely different subjects, for land uses and zoning changes that are far more complex than is the petition to establish a community development district. Finally, the County may incur costs to monitor the additional disclosure requirements imposed on Community Development Districts, but those costs will be dependent upon the level of monitoring determined by County staff.

The annual costs to Palm Beach County, because of the expansion and contraction of the District, are also very small. The District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County. However, the Petitioner has included a payment of \$1,500 to offset any expense the County may incur in the processing of this Petition.

3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any other unit of local government. In accordance with State law, debts of the District are strictly its own responsibility.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the District may provide. The water and sewer utilities, stormwater drainage, wetlands mitigation and certain offsite improvements will all be funded by the District.

Table 1

PROPOSED FACILITIES AND SERVICES

FACILITY	FUNDED BY	O&M BY	OWNERSHIP BY
Stormwater Drainage System	CDD	CDD	CDD
Potable Water Supply System	CDD	County	County
Sanitary Sewer System	CDD	County	County
Mitigation	CDD	Northern*	Northern*

*Northern Palm Beach County Improvement District

The petitioner has estimated the costs for providing the capital facilities outlined in Table 1. The cost estimates are shown in Table 2 below. Total costs for those facilities, which may be provided, are estimated to be approximately \$5,148,087. The District may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non ad valorem special assessments levied on all properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non ad valorem special assessments by various names for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

Furthermore, locating in the District by new property owners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non ad valorem special assessments as a tradeoff for the benefits and facilities that the District provides.

A community development district ("CDD") provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a property association, provision by the County, or through developer equity and/or bank loans.

In considering these costs it shall be noted that owners of the lands to be included within the District will receive three major classes of benefits.

First, landowners in the District will receive a higher long-term sustained level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the current growth management legislation, and it assures that growth pays for

itself without undue burden on other consumers. The District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting, to determine the type, quality and expense of District services they receive, provided they meet the County’s overall requirements.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative management mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly

Table 2

COST ESTIMATE FOR DISTRICT FACILITIES

Potable Water Supply System	805,268
Wastewater System	515,114
Storm Water Management System	3,469,985
FPL Differential	219,120
Mitigation	138,600
Total	\$ 5,148,087

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be no impact on small businesses because Palm Beach County has an estimated population in 2006 that is greater than 75,000; therefore the County is not defined as a “small” County according to Section 120.52, F.S, and there will accordingly be no impact on a small County because of the expansion and contraction of the District.

6.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the petitioner’s engineer and other professionals associated with the petitioner.

**APPENDIX A
LIST OF REPORTING REQUIREMENTS**

REPORT	FL. STATUE CITATION	DUE DATE
Annual Financial Audit	11.45	within 45 days of audit completion, but no later than 12 months after end of fiscal year
Annual Financial Report	218.32	within 45 days of financial audit completion, but no later than 12 months after end of fiscal year; if no audit required, by 4/30
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1: Statement of Financial Interests	112.3145	within 30 days of accepting the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.415	within one year of special district's creation; then annual notice of any changes; and updated report every 5 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.417	quarterly, semiannually, or annually
Bond Report	218.38	when issued
Registered Agent	189.416	within 30 days after first meeting of governing board
Proposed Budget	189.418	prior to end of current fiscal year
Public Depositor Report	280.17	annually by 11/3

STATE OF FLORIDA, COUNTY OF SUIA
I, SHARON E. COOK, Clerk & Comptroller certify
this to be a true and correct copy of the original
that is hereby filed.

SEP 12 2006

done and filed at the County Clerk's Office on 9-12-2006
by *Sharon E. Cook*
County Clerk
GARY L. COOK
CLERK & COMPTROLLER
CLERK'S OFFICE
9-12-2006